

REMARKS/ARGUMENTS

The Office Action was mailed in the present case on December 5, 2005, making a response due on or before March 5, 2006. Since this response is being submitted in a timely manner, no extension fee is due at this time. If any additional fee is due for the continued prosecution of this application, please charge the same to Applicant's Deposit Account No. 50-2555 (Whitaker, Chalk, Swindle & Sawyer, LLP).

The Examiner had previously indicated the allowability of Claims 15, 16 and 19 if rewritten in independent form including all of the limitations of the base claim and any intervening dependent claims. In this response, Applicant has reintroduced the previously indicated to be allowable claims as newly filed Claims 26-28. Claim 26 corresponds verbatim to previous dependent Claim 15, rewritten in independent form and including the features of any intervening claims. Claim 27 similarly corresponds to previous Claim 16 and newly added Claim 28 corresponds to previous Claim 19. Since there are now four independent claims remaining in the case, Applicant is including the required fee for the additional independent claim.

The Examiner had previously indicated at page 6 of the first Office Action (June 24, 2005) that:

The prior art does not teach or reasonably suggest a method of manufacturing a welded stainless steel pipe by using a high frequency induction welding technique wherein the stainless steel pipe is a low carbon dual phase (ferrite plus martensite) stainless steel."

With respect to the remaining claims in the case, article of manufacture Claims 1-9 have now been canceled. The remaining original Claims 10, 13, 14, 16 and 21-25, as amended, are all method claims which include specific method steps for manufacturing an improved welded pipe formed of corrosion/erosion resistant stainless steel. The improved pipe is formed from a low carbon "dual phase" stainless steel having a combined ferrite plus martensite microstructure, as defined in the Specification as originally filed.

Independent method Claim 10 corresponds directly in its language with the language of newly submitted Claim 26 with the exception that alternative terminology is used to describe the welding step of the process (lines 8-10 of Claim 10). The welding step in Claim 10 is described as “welding the formed body along the longitudinal seam region to achieve an autogenous electric resistance weld with induction high frequency welder to thereby produce a welded pipe.” This language is thought by Applicant to merely be an alternative wording for the claim terminology which the Examiner has found to be patentable in original Claims 15, 16 and 19 (now new Claims 26-28). Support for the weld language which Applicant has inserted in amended Claim 10 can be found in Figure 1, Step 19 of the Drawings as originally filed, namely “Autogenous Electric Resistance Weld With Induction High Frequency Welder.” No new matter is thought to be introduced.

Since the remaining dependent Claims 13, 14 , 16 and 21-25 all depend either directly or indirectly from independent Claim 10, they should also be allowable for the same reasons as previously argued. In other words, the prior art does not teach or reasonably suggest a method of manufacturing a welded stainless steel pipe by using a high frequency induction welding technique wherein the stainless steel pipe is a low carbon dual phase (ferrite plus martensite) stainless steel. Applicant would further point out with respect to the Examiner’s §102(b) rejection of Claim 10 in the last Office Action, that the Suzuki et al. reference (5,820,703) clearly fails to describe Applicant’s presently claimed “dual phase” stainless steel starting material. Claim 10, as amended, clearly describes the corrosion/erosion resistant stainless steel starting material as a “a low carbon dual phase (ferrite plus martensite) stainless steel.” With reference to Col. 2, lines 42-44 of Suzuki, the starting material is one in which the “metal structure remains substantially in austenitic monophase.” This teaching would clearly not meet the express limitations of Applicant’s Claim 10, as amended, and thus the rejection under §102(b) should be withdrawn.

Similarly, although the Examiner has not combined the Kushida reference (6,379,821) under 35 U.S. C. §103, even the combination of this reference with Suzuki et al. would fail to arrive at Applicant’s invention, as defined in Claim 10, since Kushida clearly teaches that the pipe in question is welded by a SAW (submerged arc welding) process. See, for example, Col. 14, lines 33-35, “The joining portions are then welded together by the SAW method to produce a welded pipe.” The SAW method

is understood by those skilled in the welding arts to comprise a form of ARC welding in which current creates an arc between an electrode and the product to be heated. This type welding process would not meet the express method step language of either of Applicant's remaining independent Claims 10 or 26-28.

Accordingly Claims 10, 13-14, 16 and 21-28 are thought to be allowable over the art of record and an early notification of the same would be appreciated.

Respectfully submitted,



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